

ORIGINAL

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**THE PROCTOR & GAMBLE COMPANY,**

**Plaintiff,**

**v.**

**ULTREO, INC.,**

**Defendant.**  
-----X

)  
)  
) **Civil Action No. 07-Civ-8379 (RJS)**

)  
) **ECF Case**

**NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE* OF  
MARC C. LEVY**

**PLEASE TAKE NOTICE** that, upon the accompanying Affidavit of Anthony DiSarro, dated October 31, 2007 and the exhibits annexed thereto, the Defendant in the above-captioned action, Ultreo, Inc. ("Ultreo"), will move this Court before the Honorable Richard J. Sullivan, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an Order in the proposed form that is submitted herewith, granting the admission *pro hac vice* of Marc C. Levy to act as counsel in this matter for Ultreo pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and the Standing Order of this Court, dated October 26, 2006.

The full contact information for Marc C. Levy is as follows:

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Applicant's name: Marc C. Levy  
Firm name: Kirkpatrick & Lockhart Preston Gates Ellis LLP  
Address: 925 Fourth Avenue, Suite 2900  
Seattle, Washington 98104  
Telephone: (206) 623-7580  
Facsimile: (206) 623-7022  
Email: [marc.levy@klgates.com](mailto:marc.levy@klgates.com)

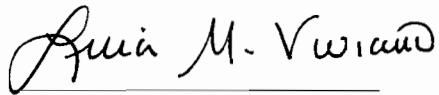
Marc C. Levy is a member in good standing of the Bar of the State of Washington. There are no pending disciplinary proceedings against him in any state or federal court.

The requisite application fee of \$25.00 is also submitted herewith.

Dated: October 31, 2007  
New York, New York

**Respectfully submitted,**

**WINSTON & STRAWN LLP**

By: 

Anthony DiSarro  
Lina M. Viviano  
200 Park Avenue  
New York, New York 10166  
(212) 294-6700 (telephone)  
(212) 294-4700 (facsimile)  
[adisarro@winston.com](mailto:adisarro@winston.com)  
[lviviano@winston.com](mailto:lviviano@winston.com)

**Attorneys for Defendant Ultreo, Inc.**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**THE PROCTOR & GAMBLE COMPANY,**     )  
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   )  
**Plaintiff,**   )  
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   )  
**v.**   )  
   )  
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   )  
**ULTREO, INC.,**   )  
   )  
   )  
   )  
   )  
**Defendant.**    )  
-----X

**AFFIDAVIT OF ANTHONY DISARRO  
IN SUPPORT OF MOTION FOR THE ADMISSION *PRO HACE VICE* OF  
MARC C. LEVY**

**State of New York     )**  
   )  
   )  
**County of New York)**

**Anthony DiSarro**, being duly sworn, hereby deposes and says:

1. I am a member of the law firm of Winston & Strawn LLP, counsel of record for Defendant Ultreo, Inc. ("Ultreo") in the above-captioned action. I am familiar with the proceedings in this case and make this statement based on my personal knowledge of the facts set forth herein.

2. I submit this Affidavit pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and the Standing Order of this Court, dated October 25, 2006, in support of Ultreo's motion to admit Marc C. Levy as counsel *pro hac vice* to represent Ultreo in this matter.

3. I am a member in good standing of the bar of the State of New York and was admitted to the practice of law on April 22, 1987. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Honorable Court.

4. I have known Mr. Levy since 1999. He is a member of the law firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP and is resident in the Seattle, Washington office of that firm.

5. Mr. Levy was admitted to practice before the courts of the State of Washington on November 17, 1989, and is currently a member in good standing of the bar of that state. A Certificate of Good Standing issued by the State of Washington and dated October 29, 2007, is annexed hereto as Exhibit A.

6. Mr. Levy is a skilled attorney and a person of integrity. He is experienced in the federal practice of law and is familiar with the Federal Rules of Procedure. There are no pending disciplinary proceedings against him in any state or federal court. He is a person of high moral character.

7. Pursuant to the Local Rules of this Honorable Court, and its Standing Order dated October 25, 2006, I respectfully request that Marc C. Levy be permitted to appear *pro hac vice* in order to act as counsel to Ultreo in this matter.

8. The full contact information for Mr. Levy is as follows:

Applicant's name:	Marc C. Levy
Firm name:	Kirkpatrick & Lockhart Preston Gates Ellis LLP
Address:	925 Fourth Avenue, Suite 2900 Seattle, Washington 98104
Telephone:	(206) 623-7580
Facsimile:	(206) 623-7022
Email:	<a href="mailto:marc.levy@klgates.com">marc.levy@klgates.com</a>

9. The requisite fee of \$25.00 is submitted herewith.

10. No novel issue of law is connected with the filing of this motion. Accordingly, I respectfully request that the Court waive the filing requirement, as set forth in Local Rule 7.1 of this Court, of a supporting memorandum of law.

11. Annexed hereto as Exhibit B is a proposed form of Order granting this motion.

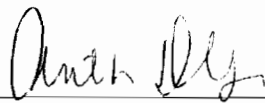
12. There has been no prior application in this matter in connection with the form of relief requested by this motion.

13. I declare under penalty of perjury that the foregoing is true and correct.

WHEREFORE, I respectfully request that this motion to admit Marc C. Levy *pro hac vice* to represent Ultreo in the above-captioned action be granted.

Dated: New York, New York  
October 31, 2007

**Respectfully submitted,**

  
\_\_\_\_\_  
Anthony DiSarro

Sworn to before me this  
31st day of October, 2007.

  
\_\_\_\_\_  
Notary Public

My Commission Expires on: 2/14/2010

**HILBANIA DEJESUS**  
**Notary Public, State of New York**  
**No. 01DE6037376**  
**Qualified in Queens County**  
**Commission Expires Feb. 14, 2010**

Exhibit A

# IN THE SUPREME COURT OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADMISSION	)	BAR NO. 19203
	)	
OF	)	<b>CERTIFICATE OF GOOD</b>
	)	
MARC C. LEVY	)	<b>STANDING</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	
	)	

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I, Ronald R. Carpenter, Clerk of the Supreme Court of the State of Washington, hereby certify

MARC C. LEVY

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on November 17, 1989, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed  
the seal of said Court this 29<sup>th</sup> day of  
October, 2007.

Ronald R. Carpenter  
Supreme Court Clerk  
Washington State Supreme Court

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**THE PROCTOR & GAMBLE COMPANY,** )  
 )  
 **Plaintiff,** )  
 ) **Civil Action No. 07-Civ-8379 (RJS)**  
 **v.** )  
 ) **ECF Case**  
**ULTREO, INC.,** )  
 )  
 **Defendant.** )  
-----X

**ORDER FOR ADMISSION *PRO HAC VICE* OF MARC C. LEVY  
ON WRITTEN MOTION**

Upon the written motion of Defendant Ultreo, Inc., and the accompanying Affidavit of Anthony DiSarro, dated October 31, 2007 and the exhibits annexed thereto:

**IT IS HEREBY ORDERED** that:

Applicant's name: Marc C. Levy  
Firm name: Kirkpatrick & Lockhart Preston Gates Ellis LLP  
Address: 925 Fourth Avenue, Suite 2900  
Seattle, Washington 98104  
Telephone: (206) 623-7580  
Facsimile: (206) 623-7022  
Email: [marc.levy@klgates.com](mailto:marc.levy@klgates.com)

is admitted to practice *pro hac vice* as counsel for Defendant Ultreo, Inc. in the above-captioned action in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing the discipline of attorneys.

If this action is assigned to the Electronic Case Filing ("ECF") system, counsel shall



immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
Honorable Richard J. Sullivan  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on October 31, 2007, I caused a copy of the foregoing:

1. **NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE* OF MARC C. LEVY;**
2. **AFFIDAVIT OF ANTHONY DISARRO IN SUPPORT OF MOTION FOR THE ADMISSION *PRO HAC VICE* OF MARC C. LEVY; and**
3. **[PROPOSED FORM OF] ORDER FOR ADMISSION *PRO HAC VICE* OF MARC C. LEVY ON WRITTEN MOTION (attached to DiSarro Affidavit),**

to be served upon counsel by Fed Ex overnight mail delivery on the following individuals:

Theresa M. Gillis, Esq.  
Harold Keith Gordon, Esq.  
**JONES DAY**  
222 East 41<sup>st</sup> Street  
New York, New York 10017

John B. Williams, Esq.  
Danielle M. Hohos, Esq.  
**JONES DAY**  
51 Louisiana Avenue, North West  
Washington, D.C. 20001

**Attorneys for the Proctor & Gamble Company**

Dated: New York, New York  
October 31, 2007



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Lina M. Viviano